

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF NEW YORK

JOSHUA LEBARRON, individually and on
behalf of all other similarly situated individuals,
et al.,

Plaintiffs,

v.

KAYDEN INDUSTRIES (USA), INC.,

Defendant.

ORDER

14-CV-6628G

On June 22, 2015, plaintiff Joshua Lebarron moved to conditionally certify the above-captioned action as a collective action under the Fair Labor Standards Act (“FLSA”), 29 U.S.C. § 216(b), and to authorize court-ordered notice to all potential members of the class. (Docket # 69). Defendant Kayden Industries (USA), Inc. did not oppose plaintiff’s motion. Having carefully considered the unopposed motion, the record in this case, and relevant caselaw, it is hereby

ORDERED, that the above-referenced action is conditionally certified pursuant to 29 U.S.C. § 216(b). The FLSA collective case is defined as:

All persons who worked as solids control technicians (or other job titles performing similar duties) for Kayden Industries (USA), Inc., at any time since three years prior to the filing of the complaint;

and it is further

ORDERED, that the “Notice of Lawsuit That May Affect Your Rights” (the “Notice”) and “Plaintiff Consent Form” (the “Consent”) forms attached hereto as Exhibit A are approved by this Court; and it is further


ORDERED, that within **fourteen (14) days** of this Order, defendant shall produce to plaintiff's counsel a list, in electronic and importable format, containing the name, mailing address, email address, and last four digits of the social security number of all current and former putative members of the FLSA collective class; and it is further

ORDERED, that within **three (3) business days** of receipt of the list of putative collective class members, plaintiff's counsel shall mail by U.S. Mail and email the Notice and Consent forms to all putative members of the FLSA collective class; and it is further

ORDERED, that plaintiff's counsel is authorized to mail and email the proposed reminder letter, attached as Exhibit B, **thirty (30) days** after the Notice is mailed; and it is further

ORDERED, that the putative FLSA collective class members shall complete the Consent form and opt into the case by no later than **sixty (60) days** from the date of the Notice is mailed.

IT IS SO ORDERED.



MARIAN W. PAYSON
United States Magistrate Judge

Dated: Rochester, New York
September 22, 2015